

REMARKS

Claims 3-8, 12-16 and 19 stand rejected. No claims are amended added or canceled by the present reply. Accordingly, claims 3-8, 12-16 and 19 are at issue.

Claims 3-4, 12-14 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Arditti (U.S. Patent No. 5,991,413) in view of Gutierrez (U.S. Pub. No. 2008/0033870). The rejection is respectfully traversed.

Independent claim 12 recites, in part, downloading batches of virtual pre-paid cards to a retailer electronic transaction device. Neither Arditti nor Gutierrez teaches this step. Arditti, for example, is silent with respect to this step. No mention is made as to how any “immaterial, virtual prepaid cards” are provided to a distributor. Also, no mention is made as to a retailer electronic transaction device. In short, there is no disclosure, much less an enabling disclosure, of downloading batches of virtual pre-paid cards to a retailer electronic transaction device in Arditti.

Gutierrez, on the other hand, teaches away from the present invention. Gutierrez teaches conventional plastic cards being distributed to selling agents. See, e.g., paragraph 0048 (“Transaction cards 95 are preferably durable plastic cards similar, in size, shape, and configuration, to a conventional credit card.”), paragraph 0050 (“In distribute-to-agent step 81, institution 12 distributes non-activated transaction cards 95 to a number of selling agent sites. S1-Sn.”). Thus, Gutierrez suffers from the same problems as the prior art described in the background of the present invention, e.g., the problems of tracking physical inventory of plastic cards. The citation in the present office action to paragraph 0049, or to the tables and figures, does not support the present rejection because that portion of Gutierrez concerns information stored at Server 11. Server 11 is located at the facilities of a financial institution 12 (see, e.g.,

paragraph 0042), not at a selling agent, and does not comprise a retailer electronic transaction device. Therefore, whatever batches may exist at server 11 are irrelevant to the claim language, which requires downloading batches of virtual pre-paid cards to a retailer electronic transaction device.

Independent claim 12 further recites, in part, transferring one of the plurality of virtual pre-paid cards from the retailer electronic transaction device to a MO Subscriber Handset. Arditti and Gutierrez also fail to disclose this step. Arditti does not provide any disclosure of transferring any virtual pre-paid card from a retailer electronic transaction device to any other device, much less a MO Subscriber Handset. Instead, a problem addressed by the invention of Arditti is to manage the effort of a user in using a telephone keypad to enter an authorization sequence. See Arditti, column 2, line 63 to column 3, line 10 (increasing the length of serial numbers would be tiresome for users); column 4, lines 8-10 (the process of the invention keeps constant or within acceptable limits the size of the authentication sequence). The assumption in Arditti that a user will be entering pre-paid card information on a telephone keypad teaches away from the present invention.

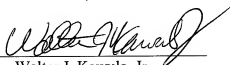
Because neither Arditti nor Gutierrez, either alone or in combination, disclose all of the elements of claim 12, claim 12 is not rendered unpatentable by those documents. Also, claims 3-4, 13-14 and 16 are patentable because independent claim 12 is patentable, so individual rejections with respect to those claims need not be addressed in detail. However, Applicant does not concede or acquiesce with respect to any assertions made in the rejections of the dependent claims, especially with respect to the rejections based on an unsupported assertion of inherency.

Claims 5-8, 15 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Arditti (U.S. Patent No. 5,991,413) in view of Gutierrez (U.S. Pub. No. 2008/0033870 in further

view of one of several other patents or publications. The rejections are respectfully traversed. Claims 5-8 15 and 19 depend directly or indirectly from claim 12, which is allowable at least for the reasons given above. The remarks with respect to claim 12 above are incorporated herein by reference. Because the independent claim is allowable over the cited art, dependent claims 5-8 are allowable over the cited art, and the individual rejections with respect to these claims need not be addressed in detail. Applicant, however, does not concede or acquiesce with respect to any assertions made in the rejections of the dependent claims.

Applicant respectfully submits that the claims are in condition for allowance, and such action is earnestly submitted. If the Examiner find that there are any outstanding issues which may be resolved by a telephone interview, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,
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